



Town of Vinton Planning and Zoning

Accessory Dwelling Unit Regulations



INTRODUCTION TO ACCESSORY DWELLING UNITS

Accessory Dwelling Units (ADUs) are independent housing units created within single-family homes or on their lots. The names ascribed to these units come in different forms and have popularly been called mother-in-law suites, accessory apartments, garden cottages, granny flats, and over a dozen other names.¹ In addition to the variability of their names, these units located on the same lot as the principal single-family dwelling may take the form of an dwelling unit over a garage, a tiny house (on a foundation) in the rear yard, or a basement dwelling unit. Appendix 1 includes images that give reputable examples for each of these categories. The potential benefits of ADUs includes giving elderly populations the capability to age-in-place, potential secondary income resources for homeowners, and long-term cost savings for public utilities through limiting greater suburban sprawl. This report will cover various land use regulations and development standards to research when developing a local ADU ordinance that is tailored to meet the needs specific to our community.

ZONING DISTRICTS AND PERMITTED USAGE

The consultant's recommendation of allowing ADUs in the R-2 district was qualified with a number of benefits including supporting downtown businesses through new development potential, and the process of allowing additional income through rent to expand the range of housing types available in town. However, during the final UDA meeting in December 2018, various questions were raised as to why these units would not be allowed in other residential zoning districts as well. A minimal provision of a majority of zoning ordinances includes ADUs being allowed to exist in zoning districts designed primarily to permit single-family dwellings on individual lots. Under the zoning heading of the comparative diagram in Appendix 2, it is shown that most localities allow ADUs in multiple residential zoning districts where single-family dwellings are permitted by-right.

The consultant's recommendation also poses the questions concerning whether or not these ADUs should be allowed by-right or through the special use permitting process. For example, the City of Roanoke requires a special exception for ADUs to exist in most of their residential zoning districts which is authorized by the Board of Zoning Appeals. If these units are not allowed by-right, then the Planning Commission will need to consider the time and resources required to accommodate for the proposal of these developments, and determine which type of special use and/or permit process to be utilized.

¹ <https://accessorydwellings.org/what-adus-are-and-why-people-build-them/>

STAFF RECOMMENDATION

- Staff recommends that ADUs should be permitted **by-right** as an accessory use to detached single-family dwelling.
 - The residential zoning districts where this use type would be permitted include **R-LD, R-1, R-2, R-3, and R-B.**
- **Justification:** An accessory dwelling unit is classified as an accessory use to a detached single family dwelling and the minimum lot dimensions are equal to or greater across the zoning districts that allow this principal use. Based on this research, Town staff recommend permitting this use based primarily on the use classification rather than on the zoning district. Given that the property owner will have to meet all the zoning and building code requirements to proceed with this project, the special use permit process will add burdensome steps to this process that will not be necessary. However, the Planning Commission will decide whether or not to recommend a special use permit or not for these types of uses.

Also, other localities have been shown to allow ADUs in commercial districts as well. The major reason for the difference between the Town’s ordinance revisions and others is based on semantics. The Town has, and intends to continue, to allow apartments in a mixed-use format in specific commercial districts but we differentiate between these “apartments” and ADUs.

OWNER OCCUPANCY REQUIREMENTS AND RENTABILITY

The first regulation to investigate when developing an ordinance for an ADU is whether or not the property owner will need to reside on the premises for the entirety or only a portion of the calendar year. Potential benefits of requiring owner to occupy the property at all times is that it incentivizes greater maintenance standards and corrects behavior patterns that could be detrimental to a neighborhood. Town staff recommends that owner occupancy be required in order for an ADU to exist on a property.

Beyond owner occupancy, an important aspect that the Town will need to decide is whether these ADUs will be able to be rented out or not. This decision will be grounded in structuring the main purposes of these units as either family-based ventures that promote aging-in-place or a secondary means of income for property owners. Other options that promote a combination of various factors from each of these core groups could exist, but the means of enforcement and permitting become complex and arduous.

RENTABILITY

- The property owner shall reside on-site, either in the principal dwelling or in the ADU, during times that the unit is available for rent.
- The owner must reside on the premises, in either the principal dwelling or the accessory dwelling unit, for at least nine (9) calendar months cumulatively in a calendar year. If an owner will be in residence less than nine (9) months in any calendar year, then the Planning

and Zoning Department must be informed and the owner will not be permitted to rent the accessory dwelling unit during that year.

OFF-STREET PARKING REQUIREMENTS

With more individuals living on a property, it is inevitable that more parking will be required to accommodate for these new occupants. Most localities that allow ADUs only require one (1) additional parking space, especially if the same requirement exists for the principal dwelling unit. Requiring one (1) additional unobstructed parking space is also important in relation to public safety by allowing for a safe form of vehicular egress. It also limits congestion by reducing the number of vehicles utilizing on-street parking in a specific neighborhood.

STAFF RECOMMENDATION

- One (1) additional unobstructed parking space shall be required for the accessory dwelling unit.

ACCESSORY DWELLING USE SIZE REQUIREMENTS

The two measurements related to the overall size requirements of an ADU include both minimum and maximum square footage. The overall square footage can also be restricted in the form of a percentage of the gross floor area of the principal dwelling. In 2000, the Public Policy Institute research group of AARP surveyed over 1,600 planning agencies and consultants to develop a model ordinance and standards for ADUs. In their report, they found that a common minimum size requirement for an ADU is 300 square feet; a frequent maximum on number of bedrooms is two (2); and the maximum size is in the range of 600 to 1,200 square feet, with 800 square feet occurring most often as a maximum size.² A good knowledge of the locality's housing stock will allow for the development of minimum and maximum standards that are reasonable for providing adequate living standards while preserving the character of a neighborhood.

STAFF RECOMMENDATION

- Staff does not recommend a restriction on the number of bedrooms.
 - Evidence shows that many localities do not restrict the number of bedrooms in an ADU. Utilizing square footage restrictions allow for greater flexibility across different ADU types and building code requirements concerning what can be a sleeping/dwelling area will remain in place for these structures or spaces.
- The minimum floor area of the ADU shall be three hundred (300) square feet.
 - **Justification:** When analyzing requirements of other localities in our region and surrounding regions, these maximums and minimums were found to be a recurring average. The minimum standard promotes safety and livability, while the maximum preserves the character of the neighborhood and the primary use of the single family residence.

² <https://www.aarp.org/livable-communities/housing/info-2015/accessory-dwelling-units-model-ordinance.html>

- Maximum floor area will be determined based on the type of ADU and the existing conditions of the property (if applicable):
 - *Measurement procedures.* For the purpose of determining the size of an accessory dwelling unit, regardless of the definition in Article XI, gross floor area includes the area of any basement or cellar having a structural headroom of seven feet or more, but does not include a garage.
 - For attached or internal ADUs, the floor area of the ADU shall not exceed the lesser of eight hundred (800) square feet or forty (40) percent of the finished floor area of a principal residential use to which it is associated, or
 - The entirety of the basement or cellar may be used, up to the size of the basement or cellar as of the date of the adoption of this ordinance. Minimum floor area requirement still applicable.
 - For detached ADUs in separate freestanding structures, the floor area of the ADU shall not exceed the lesser of six hundred (600) square feet or forty (40) percent of the finished floor area of a principal residential use to which it is associated, or
 - The entirety of the second floor of an existing freestanding nondwelling accessory structure, up to the size of the second floor area as of the date of the adoption of this ordinance. Minimum floor area requirement still applicable.

GENERAL AND DEVELOPMENT STANDARDS

The following recommended general and developmental standards are included with the main purpose of ensuring that ADUs remain accessory to the principal use of the property as a single-family residence and preserve the major characteristics that define neighborhoods in the Town of Vinton.

RECOMMENDED GENERAL STANDARDS

- An accessory dwelling unit (ADU) shall be accessory only to a single-family detached dwelling, and shall be located on a lot that complies with the minimum area, dimensional, and lot coverage standards of the zoning district in which it is located;
- Only one (1) ADU shall be allowed on any one (1) lot or parcel;
- Lots that are non-conforming with regard to minimum lot size are eligible for an accessory apartment provided that no additions or changes to the footprint of the existing structure occur. No freestanding structures can be used in the case of this non-conformity;
- An ADU shall have the same street address and mailbox as the principal single-family detached dwelling;
- Not be subdivided or otherwise segregated in ownership from the principal single-family detached dwelling.
- No commencement of use of an ADU shall occur until the property owner has an approved zoning permit from the Town of Vinton and any building permits have been issued for construction related to the accessory dwelling unit and the work completed and approved by the Roanoke County Office of Building Safety.

RECOMMENDED DEVELOPMENT STANDARDS

- Detached accessory dwelling unit are those which are not attached to the primary residence.
 - Front and secondary front yard setback requirements are the same as the primary dwelling unit; and the rear and side setbacks, and separation from other structures are five feet minimum. An ADU is not allowed in front of the primary dwelling unit.
 - A detached accessory dwelling unit may be located over a garage, workshop, studio or similar structure or built as a free standing cottage.
 - First floor areas may be used as garages, limited access and limited storage;
- All façades of an attached accessory dwelling shall have similar materials and architectural treatment that are balanced with the main building design and exterior elevation.
- Exterior entrances to an accessory dwelling unit in a principal structure shall be located so as to appear as a single family dwelling. The accessory dwelling unit entrance shall be located on the side or in the rear of the single family residence.
- One (1) additional unobstructed parking space shall be required for the accessory dwelling unit.
- An accessory building in which the accessory dwelling unit is located shall not be separately metered for utilities (water, sanitary sewer, gas, electric, etc.) from the principal single-family detached dwelling;
- Use the same driveway as the principal dwelling, unless it is accessed from a right-of-way not used by the principal use (e.g., a rear alley or separate street access on a corner or through-lot).

CONCLUSION

By 2035, older individuals are projected to outnumber children for the first time in U.S. history.³ Given this statistic and the rising costs of retirement communities and assisted-living facilities, the concept of aging-in-place is becoming a more popular and cost effective option for many of our nation's elderly populations.

In addition to the factor of age, there are countless reasons why families may want to reside on the same property including economic situations, cultural elements, physical and mental disabilities, etc. ADU ordinances differ when it comes to these provisions with some requiring the occupant of the ADU be a family member or caregiver and others having limited or no restrictions in this area

Accessory dwelling units will continue to become popularized in communities across the nation given the aging population and the financial constraints individuals and families are facing. Many factors surround the zoning and development standards necessary for ADUs which can be tweaked and tailored to meet the unique needs of a community. For example, the increasing rates renter-occupied units within the Town of Vinton may require restrictions that disallow for this alternative

³ <https://www.census.gov/newsroom/press-releases/2018/cb18-41-population-projections.html>

form of leasing. However, it may also incentivize new ranges of housing types located within the town and reduce the long-term demands of public water and sewer infrastructure projects.

APPENDIX 1



ADU Over the Garage



Detached Small House in Backyard



ADU in Basement

Photo Credits:

Image #1 and #3: accessorydwellings.org

Image #2: cityofestacada.org

APPENDIX 2

Accessory Dwelling Unit Research

Comparative Diagram

Locality	Owner Occupancy Required	Off-Street Parking Required	ADU Size Required	Familial Restrictions	Zoning	Special Use Permit?	Ability to Rent?
Blacksburg	Y	N	800 square feet maximum	N	Districts allowing detached single-family residences	N	Y, but not for homestay purposes
Christiansburg	Y	Y	None	Y, family member or caregiver only	Districts allowing detached single-family residences	N	N
Roanoke County	Y	Y	1500 square feet or 50% of finished floor area of principal dwelling. Minimum of 300 square feet.	N	Districts allowing detached single-family residences, and C-1 and C-2	Y, only if the lot standards cannot be met.	Y
City of Roanoke	N	N	800 square feet or 80% of the gross floor area of a principal use	N	Districts allowing detached single-family residences	Y, except in RM-2	Y
City of Salem	Y	N	No more than 40 percent of the floor area of the principal dwelling. Not less than 300 square feet or more than 1,000 square feet of floor area.	Y, family member of caregiver only	Districts allowing detached single-family residences	N	N